

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEMARIO REED CRENSHAW,

Plaintiff,

v.

Case No. 24-10955

Hon. Jonathan J.C. Grey

Mag. Judge David R. Grand

DEPUTY MINARD and
SHERIFF CHRIS SWANSON,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION
(ECF No. 27) AND GRANTING DEFENDANTS' MOTION FOR
LEAVE TO FILE RESPONSE TO THE OBJECTION
(ECF No. 30)

On April 11, 2024, Plaintiff Demario Reed Crenshaw filed this pro se civil action against Defendants Deputy Minard and Sheriff Chris Swanson (collectively, "Defendants") alleging "cruel and unusual punishment, extortion, unlawful search and seizure, and assault" under 42 U.S.C. § 1983. (ECF No. 1, PageID.4.) On July 23, 2024, all pre-trial matters in this case were referred to United States Magistrate Judge David R. Grand (ECF No. 14.) On August 30, 2024, Swanson filed a motion to dismiss. (ECF No. 16.)

This matter comes before the Court on Judge Grand's Report and Recommendation dated March 4, 2025. (ECF No. 27.) In the Report and Recommendation, Judge Grand recommends that the Court grant Swanson's motion to dismiss because Crenshaw has failed to plead facts that prove Swanson's personal culpability or plead a viable failure to train claim against Swanson. (ECF No. 27.) Crenshaw objects to Judge Grand's Report and Recommendation. (ECF No. 29.) Specifically, Crenshaw reargues his belief that Swanson ordered Minard to search Crenshaw's cell, witnessed the actions Minard allegedly took against Crenshaw and, subsequently, failed to punish Minard for those actions. (*Id.*) On April 4, 2025, Defendants filed a motion for leave to file untimely responses to Crenshaw's objection. (ECF No. 30.) The Court, being fully advised in the premises, **GRANTS** Defendants' motion (ECF No. 30) and will review the response that was filed as an exhibit with Defendants' motion.

When ruling on objections to a magistrate judge's Report and Recommendation, the court must conduct a de novo review of portions of the Report and Recommendation to which a party objects unless the objections are frivolous, conclusive, or general. *See* 28 U.S.C. § 636(b)(1);

Fed. R. Civ. P. 72(b); *Smith v. Detroit Fed’n of Tchrs., Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). A general objection, or one that merely restates the arguments previously presented, does not sufficiently identify alleged errors on the part of the magistrate judge. *Howard v. Sec’y of Health and Hum. Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). An objection that does nothing more than disagree with a magistrate judge’s findings, “without explaining the source of the error[,]” is not considered a valid objection. *Id.*

Further, “[a] district court should only review for clear error where a party makes perfunctory arguments to engage the district court in rehashing the same arguments set forth in the original petition.” *Brooks v. Invista (Koch Indus.)*, 528 F. Supp. 2d 785, 788 (E.D. Tenn. 2007). Without specific objections, “[t]he functions of the district court are effectively duplicated as both the magistrate and the district court perform identical tasks.” *Id.* “This duplication of time and effort wastes judicial resources rather than saving them, and runs contrary to the purposes of the Magistrate’s Act.” *Id.*

The Court has had an opportunity to review this matter and finds that Crenshaw’s objection merely restates his previous argument. As was

already addressed by Judge Grand, Crenshaw's argument that Swanson directly participated in Minard's actions is conclusory. (ECF No. 27, PageID.129–132; *see* ECF No. 18, PageID.62; ECF No. 29.) Therefore, the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety.

For the reasons stated above, **IT IS ORDERED** that the Report and Recommendation dated March 4, 2025 (ECF No. 27) is **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Swanson's motion to dismiss (ECF No. 16) is **GRANTED**.

IT IS FURTHER ORDERED that Defendants' motion for leave to file untimely responses to Crenshaw's objection (ECF No. 30) is **GRANTED**.

IT IS FURTHER ORDERED that all claims against Swanson are **DISMISSED WITH PREJUDICE**.

SO ORDERED.

Date: May 30, 2025

s/Jonathan J.C. Grey
Jonathan J.C. Grey
United States District Judge

Certificate of Service

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 30, 2025.

s/ S. Osorio
Sandra Osorio
Case Manager